

MEETING REPORT
LOUISVILLE BOARD OF ZONING APPEALS
Louisville Town Hall
September 24, 2019
6:00 PM

MEMBERS PRESENT

Tom Swicegood
Jenny Anderton
Jim Brown
Ray Evans

MEMBERS ABSENT

Lance Campbell

OTHERS

Dick McGill
Approx 30 citizens

BCPO Staff Representative: None required

Call To Order – Roll Call

At 6:00 PM September 24, 2019, BZA Chairman Tom Swicegood called the meeting to order and called the roll. Four members were present to constitute a quorum.

Amend the Proposed Agenda

MOTION by Tom Swicegood to amend the agenda for the September 24, 2019 meeting of the Board of Zoning Appeals by striking pending Item 6. Second by Ray Evans.

Vote: UNANIMOUS. **MOTION PASSES**

Approval of Previous Minutes

MOTION by Jenny Anderton to approve the minutes of the December 06, 2018 meeting of the Board of Zoning Appeals. Second by Jim Brown. Vote: UNANIMOUS. **MOTION PASSES**

Business Items:

Request by property owners at 3023 Devault Road for a special exception for an accessory apartment

Debbie Terry and Ernie Brewster described their plans for the accessory apartment along with the background for their previous improvements to the property. Nine citizens spoke against granting the request. These citizens were all neighbors from the Devault Road area. Focus of their testimony was on the unsuitability of the structure as a dwelling, septic concerns, impact on storm water drainage and future impact on surrounding property values.

Chairman Swicegood reviewed the pertinent details including that the lot size and proposed setbacks would allow the construction of an accessory apartment. BZA discussion focused on the quality of the structure and whether it met the criteria outlined

in the Zoning Ordinance. Examination of the photos and design details for the structure indicated that it was most representative of a storage structure.

MOTION by Ray Evans to deny the request since the proposed structure would violate Section 11-701.e.ix of the Zoning Ordinance. Second by Jenny Anderton. Vote: Swicegood – Yes, Anderton – Yes, Brown – Yes, Evans - Yes. **MOTION PASSES 4-0**

Property owners were advised that their request was denied. A letter will be sent to the property owners as a record of the findings.

Request by property owner at 2329 Mentor Road for a variance on undersized lot of record to construct a residential dwelling

Peter McKevez presented information relative to his variance request including the lot survey, septic permit and locational layout for the proposed residence. One citizen spoke in favor of the request.

Chairman Swicegood reviewed the pertinent details relative to the request including that this lot of record was recorded in 2002 when the allowable lot size was 20,000 sq. ft. and preceded the Zoning Ordinance change to minimum 30,000 sq. ft. in 2011. The location of the proposed residence meets all setback requirements except the 50 ft. front setback for a Major Collector. The proposed 31.5 ft. setback from the right-of-way is consistent with almost all residential structures on the south side of Mentor Road in the immediate area. BZA discussion focused on the fact that this request was consistent with Zoning Ordinance requirements for a lot of record which preceded future zoning changes.

MOTION by Tom Swicegood to approve the request for variance to build a residential structure on the existing lot of record with a 31.5 ft. setback from the Mentor Road right-of-way. Second by Jim Brown. Vote: Swicegood – Yes, Anderton – Yes, Brown – Yes, Evans - Yes. **MOTION PASSES 4-0**

Property owner was advised that the variance request was granted. A letter will be sent to the property owner verifying the approval. Owner can now proceed to obtain a building permit when ready to proceed.

Request by property owners at 2215 West Ridgewood Drive for a special exception for an accessory apartment

David Head, spokesperson and friend of owners Maria Moya and Arnulto Gomez, described their plans for the accessory apartment along with the history of their discussions with Town of Louisville officials concerning the stop work order and how to proceed with completion. Chairman Swicegood read letters from two neighbors who were unable to attend, one supporting and one against. Seven citizens spoke against

granting the request. These citizens were all neighbors from the West Ridgewood Drive area. Focus of their testimony was on the overpowering size of the structure, septic concerns, violation of subdivision restrictions, traffic and future impact on surrounding property values. Also, a petition signed by eight neighbors opposing the request was presented to the BZA.

Chairman Swicegood reviewed the history of this property for which a building permit was obtained on December 06, 2017 to build a garage. Construction of the garage was stopped on August 08, 2018 when Town of Louisville codes officials discovered the construction of living quarters above the garage, in violation of the permit. The non-permitted living quarters contained 1200 sq. ft. and the building height was over 30 ft. Both the living space and garage height were in violation of the Zoning Ordinance. The pertinent details of the current request include that the lot size of 30,026 sq. ft. is under the required 40,000 sq. ft. for an accessory apartment. Location of the structure on the lot meets setback requirements and the owners propose to limit living area above the garage to 600 sq. ft.. BZA discussion focused on the obvious violations of the Zoning Ordinance and whether there was sufficient other justification for approval of the request.

MOTION by Tom Swicegood to deny the request since an accessory apartment on the 30,056 sq. ft. lot size would violate Section 11-701.e.ii of the Zoning Ordinance. Second by Jenny Anderton. Vote: Swicegood – Yes, Anderton – Yes, Brown – Yes, Evans - Yes. **MOTION PASSES 4-0**

Property owners were advised that their request was denied. A letter will be sent to the property owners as a record of the findings. The stop work order will remain in effect until resolved by the property owners and the Town of Louisville codes officials.

Adjourn

MOTION by Jenny Anderton to adjourn, Second by Jim Brown. VOTE: UNANIMOUS. Meeting adjourned at 8:18 PM.